IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.645 OF 2003

The State of Maharashtra ..... Appellant.

V/s

Balkrushna Raghunath Bale
and Others. ..... Respondents.

Mr. Y.M. Nakhwa, APP for the State.

Ms. Kher i/b P.B. Shah for Respondent No.1.

CORAM: V.M. KANADE, J.
DATE : 21st August, 2007

P.C.:

1. Heard the learned APP for the State and the learned Counsel appearing on behalf of Respondent No.1.

2. State has filed this appeal against acquittal, challenging the judgment and order passed by the Judicial Magistrate, First Class, Koregaon, who has acquitted the accused of the offences punishable under sections 324, 323, 504 read with section 34 of the Indian Penal Code. The learned APP has taken me through the judgment and order of the trial court as also the evidence on record.

3. The prosecution case is that the accused assaulted the complainant with a wooden rod and had caused bleeding

injuries on his head. P.W. 3, who was the eye witness of the said incident, did not support the prosecution case. Prosecution was not in a position to bring on record the medical certificate in order to establish the injuries which were caused on the person of the complainant. Further, there are discrepancies between the evidence of P.W.1 - complainant and his mother P.W. 2 - Shakuntala. The trial court has, therefore, acquitted the accused.

4. In my view, there is no infirmity in the order passed by the trial court. The view taken by the trial court is a plausible view. Hence, leave is refused. Appeal is dismissed.

(V.M. KANADE, J.)